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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,391	09/27/2001	Akihiro Kawamura	3377-0130P	9469

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EXAMINER	
SAADAT, CAMERON	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/963,391	KAWAMURA, AKIHIRO	
	Examiner	Art Unit	
	Cameron Saadat	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 9/27/2001.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/8/2002.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The antecedent basis for "the examination date" has not been clearly set forth.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al. (USPN 6,409,513; hereinafter Kawamura).

Regarding claims 1 and 15, Kawamura discloses an information providing device for providing reading exercises from a plurality of exercises, requiring a user to deal with characters within a time predetermined individually, comprising: a storage means for storing data on the

number of characters which is required in each of the exercises (Col. 4, lines 34-58); a measuring means for measuring the user's predetermined ability to deal with characters (Col. 6, lines 22-38); a retrieval means for retrieving the data which can be dealt with by the basic ability measured by the measuring means within the predetermined time (Col. 10, lines 20-32; Col. 12, lines 3-5, 20-22); and an output means for outputting information on the exercise corresponding to the data retrieved by the retrieval means (See Figs. 13, 19, and 21).

Regarding claim 2, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 3, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 4, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 5, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claims 7 and 16, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (USPN 6,409,513; hereinafter Kawamura).

Regarding claim 8, Kawamura discloses an information providing device for providing reading exercises from a plurality of exercises, requiring a user to deal with characters within a time predetermined individually, comprising: a storage means for storing data on the number of characters which is required in each of the exercises (Col. 4, lines 34-58); a measuring means for measuring the user's predetermined ability to deal with characters (Col. 6, lines 22-38); a retrieval means for retrieving the data which can be dealt with by the basic ability measured by the measuring means within the predetermined time (Col. 10, lines 20-32; Col. 12, lines 3-5, 20-22); and an output means for outputting information on the exercise corresponding to the data retrieved by the retrieval means (See Figs. 13, 19, and 21). Kawamura discloses all of the

claimed subject matter with the exception of explicitly disclosing an information communication network. However, it is the examiner's position that the use of an information communication network is old and well known in the art for providing training information to users located at remote locations in order to overcome geographical limitations. Hence, it would have been obvious to one of ordinary skill in the art to modify the computerized reading exercises described in Kawamura, by providing the exercises with an information communication network, in order to provide training information to users located at remote locations in order to overcome geographical limitations.

Regarding claim 9, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 10, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 11, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 12, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claim 14, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from

among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (USPN 6,409,513; hereinafter Kawamura) in view of Tadlock et al. (USPN 6,869,287; hereinafter Tadlock).

Regarding claims 6 and 13, Kawamura discloses all of the claimed subject matter with the exception of explicitly disclosing that the exercise is a book having a returning limit lent by a library. However, Tadlock discloses a system and method for providing reading exercises, wherein the exercises include the feature of allowing a user may check out a book at his or her specified reading level in order to motivate the student to do independent reading (Col. 36, lines 37-47). Hence, in view of Tadlock, it would have been obvious to one of ordinary skill to modify the reading exercises described in Kawamura, by providing exercises that include books from libraries, in order to allow a user to check out a desired book and thereby promote independent reading.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Wasowicz et al. (USPN 6,299,452) – disclose a system for improving reading skills, provided on a network.
- Romney et al. (USPN 5,592,143) – disclose a system for improving reading speed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cameron Saadat
June 12, 2005

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700